



Land Use and Zoning Meeting Minutes

December 12, 2013

STAFF:	David Radachy
DATE:	December 13, 2013

The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:30 p.m.

Attendance was taken by sign-in sheet. The following members were present: Messrs. Constantine, Hanford, Kenyon, Morse, Terriaco and Welch and Ms. Diak and Ms. Malec. Staff: David Radachy.

No public comments were made.

Mr. Radachy stated that there were three cases this evening. One from Concord Township, and two from Painesville Township.

Concord Township – Text Amendment to Section 30 Signs

Staff stated the text amendment was a revision to Section 30, Signs of the Concord Township Zoning Resolution. Staff stated a full summary of the amendment was mailed to the Committee. Staff stated that the regulations were drafted by a consultant, but he was on the committee that helped with reviewing and writing the regulations. Despite this fact, he still found some issues.

Those issues involved the regulation on the prohibition on back lighting in residential districts. The definition of flag was limiting. The new regulations are referencing an institutional district that does not exist and sign definitions in Section 5 were not proposed to be removed.

Staff showed pictures of the back lit address signs. He stated that this is a very common type of sign and if the back lit provision is kept, the existing signs would non-conforming and home owners would not be allowed to install them.

Staff stated the current and proposed definitions of flag which are: Current: FLAG: A piece of cloth, paper or plastic, having distinctive size, color, shape and design used as a symbol or standard for an established governmental, religious, charitable or non-profit organization. (7/7/1994) and Proposed: A piece of cloth, paper or plastic, having distinctive size, color, shape and design used as a symbol or standard for an established government organization including but not limited to United States, the state, foreign nations having diplomatic relations with the United States and any other flag adopted or sanctioned by an elected legislative body.

He then showed pictures of sport team flags, boy scout flags, the Rainbow Flag, the Confederate flag, the Cuban Flag and the North Korea Flag and stated that none of these flags meet the definition of

flag. He also stated that on Project Construction Sign should allow for owners of the property and space for government officials if they are sponsoring the project and Works of Art and Religious Artifacts are not defined. They are exempted in 30.10

Staff stated that the regulations should not allow EMC to mimic safety signs in 30.07. He stated that there is a provision in 30.11, but would make sense to repeat it in this section. He also stated that he reviewed OCR 519.21 and stated that agriculture structures, in this case signs, can regulated on lots five acres or less. 30.09 B 2 states less than five acres. He stated that temporary lights and decorations are allowed for patriotic or religious holidays. Groundhog Day, Earth Day, Halloween and Kwanzaa are not patriotic or religious holidays.

The committee discussed why should there be a back lit prohibition. Staff stated without the prohibition, gateway signs for subdivisions could be back lit. Some the committee members stated that would be ok, it would be the same as having a spot light on it. Staff stated without the back lit prohibition a developer could have a sign with two pieces of plastic with light bulbs behind it and that could get very bright.

The committee also discussed what was institutional use. Staff stated it was school or church. Other members of the committee thought it could mean a nursing home. There was enough discussion that that the committee thought a definition of institution was warranted.

Staff recommended the text amendment be accepted with the following changes:

- Amend the definition of project sign and create definitions for works of art and religious artifact.
- Rewrite the flag definition to allow for other types of flags people fly.
- Revised the agriculture signs to reflect the fact that they can regulate structures on lots five acres or smaller.
- Eliminate “patriotic or religious” from exemption on lights and decorations.
- Delete the definitions from Section 5.

The Land Use and Zoning Committee added:

- Delete the institutional district references.
- Allow for back lit signs either just for addresses or up to small square footage.
- Define what an “institution” is.

Mr. Kenyon made a motion to recommend the text amendment with staff’s and committee’s suggestions.

Mr. Morse seconded the motion.

All voted “Aye”.

Motion to amend passed.

Painesville Township – District Amendment to 1106 Richmond Road

Staff stated that were two district amendments submitted after the mail out. The first one, the owner is requesting the change from R-3 Duplex to R-1 Single Family. The land was R-1 up to 2006. At the time, the LUZ Committee and the Planning Commission recommended not make the change. The land is surround by single family zoned land and a small area of multi-family land (R-4). The Comprehensive Plan recommended single family.

Staff stated that the property owner wished to change the unit back a single family home and live it. She requested to build a garage and request a variance on the sideline. Staff recommended the change. Mr. Constantine spoke as the zoning inspector for Painesville Township. He stated that the Board of Zoning Appeals put a condition on the variance that the land be rezoned to R-1. He also agreed that the change should be made.

Ms. Diak made a motion to recommend the district change

Ms. Malec seconded the motion.

All voted "Aye".

Motion to amend passed.

Painesville Township – District Amendment to 1344 West Jackson Street

The second amendment the owner is requesting the change from I-1, Light Industrial to B-3, Commercial. It is 0.26 of acre. Staff stated that there is an existing building on the property that has been used as an office. The last tenant was Eagle Protection Services. He stated that the building could be used as an office in either I-1 or B-3. The other uses for the building are different. Currently it can be used as small machine shop, which may be disruptive to the neighboring properties. While if the change is made, it could be used as store. The committee asked if it could be used as a daycare and staff stated yes. The committee noted that was proposed use on the application.

Staff stated that the comprehensive plan supported the change. Staff recommended the change.

Mr. Morse made a motion to recommend the district amendment

Mr. Terriaco seconded the motion.

All voted "Aye".

Motion to amend passed.

Mr. Welch asked for any new business. Staff stated that Mrs. Ross has resigned from the Committee. Staff stated she will be missed. Mr. Kenyon stated Mrs. Ross also resigned as zoning secretary.

Mr. Welch asked for any old business. Staff stated that there was none.

There was no public comment.

Mr. Hanford made a motion to adjourn. Ms. Diak seconded. All voted "Aye". Motion passed.

The meeting adjourned at 6:55 PM.